



# AMHERST Massachusetts

TOWN HALL • 4 BOLTWOOD AVENUE • AMHERST, MA 01002-2302

## Zoning Board of Appeals APPLICATION

### **For Office Use Only:**

Application #: \_\_\_\_\_ Received by Planning Dept: \_\_\_\_\_  
Reference #: \_\_\_\_\_ Filed with Town Clerk: \_\_\_\_\_  
Fee Paid: \$ \_\_\_\_\_ (65 days from date filed): \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_  
Decision Date: \_\_\_\_\_  
Book #: \_\_\_\_\_ Page #: \_\_\_\_\_ Town Clerk \_\_\_\_\_

### **APPLICANT INFORMATION:**

Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

### **ATTORNEY/DESIGNER/CONSULTANT:**

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

### **TYPE OF APPLICATION:**

- ☐ Special Permit ☐ Variance  
☐ Comprehensive Permit  
☐ Appeal from Decision of Building Commissioner

### **PROPERTY INFORMATION:**

Property Address/Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **PROPERTY OWNER:**

(if different from applicant)  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

### **DEED OF PROPERTY RECORDED IN:**

☐ Hampshire Cty. Reg. of Deeds ☐ Mass. Land Court  
Book: \_\_\_\_\_ Page: \_\_\_\_\_  
Map/Parcel: \_\_\_\_\_  
Zoning District: \_\_\_\_\_

**APPLICABLE ZONING BYLAW SECTION(S):** \_\_\_\_\_

\_\_\_\_\_  
Signature of applicant(s)

\_\_\_\_\_  
Signature of property owner(s)

*To be filled out by Amherst Building Commissioner:*

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Amherst Building Commissioner

**NATURE OF REQUEST AND BRIEF DESCRIPTION OF PROJECT:**

*Pursuant to the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts and the Amherst Zoning Bylaws, application is hereby made to the Amherst Zoning Board of Appeals to do the following:*

**WAIVER(S) ARE REQUESTED FROM:**

*If you are requesting a waiver from any of the plan requirements, please list them below, along with your reasons. The Board shall have the right to modify or waive any of the submittal requirements, or to request additional information necessary to render a decision.*

**Checklist for the ZBA Application Process:**

It is best to review the requirements with the Zoning staff before you begin your application.

*It is the responsibility of the applicant to furnish all supporting documentation with the application. Please check items on this list to indicate that you have done so, or indicate your requests for waivers at the end of the list.*

One hard copy of the following shall be submitted:

- ☐ **Application:** Every application shall be submitted on the official application form of the Board, provided by the Planning Department. Please provide only the original application form, no copies are needed. All information must either be typed or printed clearly.
- ☐ A **request for a certified list of abutters** must accompany all site plan applications. The **Planning Department will submit the application** for an Abutters List to the Assessor's Office and send out the abutters notices. It may take up to 10 business days for your certified list to be produced.
- ☐ **Fees:** All applications filed with the Town Clerk shall be accompanied by cash or check made payable to the Town of Amherst in the specified amount. See schedule of fees in this application packet.
- ☐ **Electronic submission:** Every application shall be accompanied by one hard copy of all submitted materials, including full size plans, to scale. All applications shall include one electronic copy of all information (except the Certified List of Abutters and fee) in a PDF form. All PDF's and electronic information should be labeled. Submissions may be accepted via email, thumb-drive, or on CD/DVD.

Please note: Prior to a public hearing, Town staff may request up to five hard copies of full size plans for distribution. This will be requested and coordinated by Town staff.

For the following plans, and any other supplemental materials submitted as part of an application, one full size original hard copy AND one digital copy shall be submitted.

- ☐ **Site Plans:** Unless waived by the Board, all site plans shall be prepared by a Registered Engineer, Surveyor or Landscape Architect, and shall include the following:
  - name of property owner, developer and name of engineer/surveyor/landscape architect or builder
  - date, title and scale of plan
  - separate locus map showing site location and location of buildings on surrounding properties, north arrow

- all existing lot lines, easements, rights-of-way, size of property in square feet, as well as setback, side and rear yard dimensions as set forth in Table 3 of the Bylaw and zoning district
- location and use of all existing and proposed buildings and structures, including dimensions and heights
- location and names of existing or proposed streets, curb cuts, entrances and exits, parking areas, sidewalks, loading/service areas, utility systems
- existing and proposed contours and finished grade elevations, including location and volume of significant filling or excavations
- location of all natural features, including significant watercourses, wetlands, water bodies, bedrock outcroppings, stone walls and all trees, including drip lines, of eight (8) inch diameter at breast height (DBH) or larger on the subject property. In addition, all stone walls and trees, including drip lines, to be affected by clearing and/or construction within any portion of any public right-of-way immediately adjacent to the subject property shall also be shown, according to provisions of MGL Ch.40, Section 15C (Scenic Roads Act) and MGL Ch.87 (Shade Tree Act).
- location of containers and enclosures for storage and disposal of waste, recyclables and, where applicable, waste kitchen oil
- number and location of parking spaces required (2 parking spaces are required per unit)
- calculation of total lot area, wetlands, building coverage and total lot coverage

☐ **Building Plans** shall include accurate, scaled renderings of:

- Elevations, showing exterior facades indicating height, materials, architectural features and colors proposed.
- Floor Plans with dimensions showing schematic layout, use of interior spaces and means of egress

☐ **Management Plan:** Please see attached Management Plan Form.

☐ **Landscape Plan** showing proposed vegetation to be planted, including street and shade trees, shrubs and other planting. Parking lot screening, by species and type shall be detailed. Existing vegetation of note (see “Site Plans” above) and any intermittent or year-round streams, ponds or other wetlands shall also be shown.

☐ **Lighting Plan** showing location and type of outdoor lighting and lighting fixtures, said lighting to be designed to minimize glare and light spillover onto adjacent properties, streets and the night sky

☐ **Sign Plan**, including, but not limited to, dimensions, color, graphics, placement, lettering and any sign lighting

*In addition, the Board may require submission of the following information/plans:*

- ☐ **Soil Erosion Plan**, if applicable, showing measures to be taken to prevent or reduce erosion both during and after construction
- ☐ **Traffic Impact Statement:** Details may be found in Appendix A of the Board’s Rules and Regulations
- ☐ **Outside Consultants:** Details may be found in Appendix B of the Board’s Rules and Regulations

☐ If the property for which the permit is being sought has any tenants or lessees, they must be notified of the application. Please ask for the Planning Department’s “**Tenant/Lessee Notification**” instruction sheet.

☐ All applications shall be supported by a written project summary detailing all relevant facts of the application.

☐ All plans and information shall be labeled with the applicant’s name, project address and be dated.

The petitioner shall submit the application and accompanying documents outlined above to the Planning Department, who shall file the application with the Town Clerk for certification.

For time requirements pertaining to public hearings and Board actions, please see the *Zoning Board of Appeals Rules and Regulations*, which are available at the Planning Department or on the Town website at **amherstma.gov**.

From the Amherst Zoning Bylaw  
**SPECIAL PERMIT FINDINGS**

**10.38 Specific Findings Required**

The Special Permit Granting Authority may grant a Special Permit authorized by this Bylaw if said Authority finds, when applicable, that:

- 10.380** The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority.
- 10.381** The proposal is compatible with existing Uses and other Uses permitted by right in the same District.
- 10.382** The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features.
- 10.383** The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.
- 10.384** Adequate and appropriate facilities would be provided for the proper operation of the proposed use.
- 10.385** The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features.
- 10.386** The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.
- 10.387** The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.
- 10.388** The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.
- 10.389** The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.

- 10.390** The proposal ensures protection from flood hazards as stated in Section 3.228, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow; storage of chemicals and other hazardous substances.
- 10.391** The proposal protects, to the extent feasible, unique or important natural, historic or scenic features.
- 10.392** The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.
- 10.393** The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaries, light shields, lowered height of light poles, screening, or similar solutions.
- 10.394** The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands.
- 10.395** The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. Within the B-L, B-VC, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Special Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.
- 10.396** The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.
- 10.397** The proposal provides adequate recreational facilities, open space and amenities for the proposed use.
- 10.398** The proposal is in harmony with the general purpose and intent of this Bylaw.

## APPENDIX B

### APPLICATION FEES

Fees accompanying applications to the Board of Appeals shall conform to the schedule below. **In addition to ALL application fees, a flat fee of \$300 dollars is required for legal advertisement.** Payment for legal advertisement must be submitted with application.

Please note: If and after a Special Permit is granted, there is a \$10 filing fee with the Town Clerk and a \$75 dollar filing fee at the Registry of Deeds.

## High Impact Uses –

**Non-residential = \$500**

**Residential** = \$300 + \$50/ new dwelling unit

- PURDs
- Residential uses with more than 6 units – e.g., Town Houses, Apartments, Subdividable/Converted Dwellings, Hotel or Motels, Inns, Hostel, Congregate housing for the elderly and disabled, fraternities/sororities
- Institutional Uses – e.g., Medical or residential institutions, cemetery, private lodge or club)
- Government and Public Service Uses
- Research and Industrial Uses

### Moderate Impact Uses –

**Non-residential = \$300**

**Residential** = \$150 + \$50/ new dwelling unit

- Residential uses with 6 or fewer total units – e.g., Town Houses, Apartments, Subdividable/Converted Dwellings, Hotel or Motels, Inns, Hostel, Two-family detached
- Dwelling units in combination with stores or other permitted business or commercial uses
- Lodgers/Boarders/Roomers/Bed and Breakfast
- Supplemental apartments
- Retail, Business and Consumer Service Uses
- Motor Vehicle Related Uses
- Extensive Uses
- Flag lots (\$150 per flag lot)

### Low Impact Uses - \$50

- Applications for/by owner-occupied single family properties– e.g., accessory uses, other than supplemental apartments, fences, signs

**Other:**

- Variances = \$300
- Appeals from a decision of the Building Commissioner = \$110
- Amendments or modifications to existing permits = Same fee as use

**Comprehensive Permits & Affordable Housing Projects** \* = \$500 + 50 / new dwelling unit

- Limited Dividend Organizations - \$9 per unit
  - Non-Profit Organizations - \$3 per unit
  - Public Agencies and Local; Local Initiative pursuant to 760 CMR 45.00 - \$0
- \* Projects including 10% or more affordable units as defined under Section 12.20, Amherst Zoning Bylaw are considered Affordable Housing Projects.*

**Town Projects** – The application fee for certain Town projects may be waived administratively by the Director of Conservation and Development.

Fee change approved January 14, 2014 and effective on February 1, 2014



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## MANAGEMENT PLAN FORM

The Rules and Regulations of both the Planning Board and the Zoning Board of Appeals require that applicants submit a management plan as part of the process for most applications.

### APPLICANT INFORMATION:

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Owner: \_\_\_\_\_

*(if different from applicant)*

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

### PROJECT INFORMATION:

Project Address and Description:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Amendment to previously approved management plan?

☐ yes

☐ no

### INFORMATION REQUIRED FOR ALL PROJECTS:

*(Attach additional sheets as necessary)*

Trash and recycling, including storage location, enclosure or screening, with frequency of pickup and name of hauling company, and responsible party to contact in case of complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parking, including size and number of spaces, location, screening, provision for handicapped spaces:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lighting, including hours of illumination by location, types and wattage of fixtures:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signage, including location, size, materials, and any illumination:

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Landscape Maintenance, including annual schedule of watering, fertilizing, mowing, pruning, leaf pick-up, and so forth, and maintenance and replacement schedule of site furnishings:

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Snow Removal, including name of contractor:

*(Please see Article IV of the Town Bylaw for regulations regarding the removal of snow and ice from sidewalks)*

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**ADDITIONAL INFORMATION FOR SPECIFIC PROJECT TYPES (ATTACH ADDITIONAL SHEETS):**

**ADDITIONAL INFORMATION REQUIRED FOR RESTAURANTS:**

Type of menu  
Number of seats (indoor and outdoor)  
Is any outdoor dining on public or private land?  
Number of employees  
Hours of operation  
Alcohol  
Plans for delivery and/or take-out service  
Live or prerecorded entertainment  
Noise management of patrons, music, fans and HVAC  
Management of patrons gathering outdoors on property  
Odor mitigation measures  
Waste kitchen oil management  
Litter control  
Deliveries to or from the site

**ADDITIONAL INFORMATION REQUIRED FOR PERMIT RENEWALS:**

Special permit #  
Date of issuance  
Any changes to the proposal  
Any changes to the neighborhood

**ADDITIONAL INFORMATION REQUIRED FOR APARTMENTS:**

Number of units, existing and proposed  
Number of bedrooms, existing and proposed  
Number of tenants  
Owner-occupied?  
On-site manager?  
Copy of standard lease  
Noise management of tenants, parties, music, and any outdoor HVAC equipment  
Material, equipment, and large household goods storage  
On-site recreational facilities

**ADDITIONAL INFORMATION REQUIRED FOR HOME OCCUPATIONS:**

Type of business  
Number of Employees  
Hours of operation  
Deliveries to the site  
Equipment used/ Noise generated  
Material and equipment storage



**AMHERST BOARD OF ASSESSORS  
REQUEST FOR CERTIFIED LIST OF ABUTTERS**

**Note: THE ASSESSORS OFFICE REQUIRES 10 BUSINESS DAYS TO PREPARE AN ABUTTERS LIST. WE THEREFORE ADVISE YOU NOT TO SCHEDULE A HEARING UNTIL YOU HAVE THIS LIST.**

**Please Print**

\_\_\_\_\_  
STREET ADDRESS

\_\_\_\_\_  
MAP

\_\_\_\_\_  
PARCEL

\_\_\_\_\_  
OWNER'S NAME

\_\_\_\_\_  
APPLICANT'S NAME

\_\_\_\_\_  
STREET

\_\_\_\_\_  
STREET

\_\_\_\_\_  
CITY ST

\_\_\_\_\_  
CITY STATE ZIP

\_\_\_\_\_  
CONTACT PERSON & PHONE #

**\*\*\*Please note that if requesting abutters lists for two different departments for the same parcel, you must fill out separate abutters request forms.\*\*\***

**Please circle type of permit or variance requested:**

- A: Liquor License – Immediate abutters, also 500' from all borders for churches/hospitals/public & private schools.
- B: Planning Board – Subdivision or Special Permit - 300'
- C: Zoning: - Special Permit or Variance Appeals - 300'
- D: Conservation: -Wetland Hearing - 300'
- E: Planning - Site Plan Review 300'
- F: Selectboard - 300'

**NOTE: THE ABUTTERS LIST IS ONLY OFFICIAL FOR A PERIOD OF 30 DAYS FROM THE DATE OF CERTIFICATION BY THE ASSESSOR. AFTER 30 DAYS, YOU WOULD NEED TO REAPPLY FOR A NEW LIST.**

<b>RECEIVED</b>
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# ***ATTENTION!***



## **HOMEOWNERS, BUILDERS, CONTRACTORS, LANDSCAPERS & ARCHITECTS**

**Do NOT cut down, remove, or alter any existing TREE, SHRUB, or STONE WALL near a street until you have confirmed that they are *entirely* on private property!**

Under the Shade Tree Act (MGL Ch. 87) and the Scenic Roads Act (MGL Ch. 40, Sec 15C) existing TREES, SHRUBS & STONE WALLS in Amherst are protected in the following areas:

- ☞ On private property if the tree trunk, shrub, or stone wall touches or extends into the public way (the public property that includes the street, sidewalks, and utility corridors); or
- ☞ In the public way, including in front of any private property being prepared/cleared for driveways, construction, connection to utilities, etc.

Violations of these laws can involve FINES up to **\$500**, *PLUS* the cost of replacing all trees, shrubs, and walls. Don't take the chance! Ask first.

### FOR PROPERTY LINE INFO:

Jason Skeels, Town Engineer  
Public Works Dept.  
586 South Pleasant Street  
Amherst, MA 01002  
(413) 259-3050  
[skeelsj@amherstma.gov](mailto:skeelsj@amherstma.gov)

### FOR PUBLIC SHADE TREE INFO:

Alan Snow, Tree Warden  
Public Works Dept.  
586 South Pleasant Street  
Amherst, MA 01002  
(413) 259-3211  
[treewarden@amherstma.gov](mailto:treewarden@amherstma.gov)

### FOR SCENIC ROADS INFO:

Amherst Planning Dept.  
Town Hall, 4 Boltwood Ave.  
Amherst, MA 01002  
(413) 259-3040  
[planning@amherstma.gov](mailto:planning@amherstma.gov)

